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Date October 20, 2005

To Examiner Jianchun QIN  
Group Art Unit: 2837

Of U.S. Patent and Trademark Office

Fax (571) 273-8300

From Joseph Bach, Reg. No. 37,771

Subject Response to Election of Species

Our Ref CA1400 Your Ref USSN 10/684,296

Pages 3  
(including cover sheet)

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In re application of

Docket No: CA1400

Christopher L. STONE, et al.

Appln. No.: 10/684,296

Group Art Unit: 2837

Confirmation No.: 7918

Examiner: Jianchun QIN

Filed: October 10, 2003

For: SYSTEM AND METHOD FOR DYNAMIC NOTE ASSIGNMENT FOR MUSICAL  
SYNTHESIZERS

PAPER ENTITLED: 1) Response to Election of Species 2 pages

OCT 20 2005

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: CA1400

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**RESPONSE TO ELECTION OF SPECIES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species mailed October 5, 2005, Applicant respectfully submits the following.

The Examiner has identified the application as containing claims directed to 2 distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner identified claims 1-21 as being pending.

In response to the Examiner's requirement, Applicant respectfully notes that a Preliminary Amendment was filed on September 21, 2005, canceling claims 3 through 21. The Preliminary Amendment was filed prior to the mailing date of the Election Requirement. Therefore, the undersigned has contacted the Examiner telephonically to consult on the manner

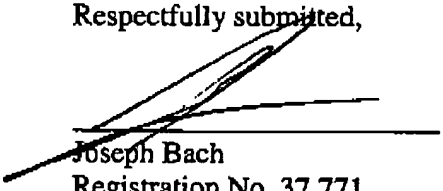
Atty. Docket No.: CA1400  
**PATENT APPLICATION**

**RESPONSE TO ELECTION OF SPECIES**  
U.S. Application No.: 10/684,296

in which to proceed. That is, an election of species with respect to claims that were canceled would be meaningless. The Examiner has advised the undersigned that upon filing a Reply pointing out that a Preliminary Amendment has been filed, the Examiner would cancel the Election requirement. The Examiner further advised the undersigned that no election of species is required at this time, as the election requirement will be canceled. Accordingly, Applicant submits the subject Reply without an election, and requests that the Election Requirement be canceled and that the Preliminary Amendment be entered and its claims examined on the merits.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Joseph Bach  
Registration No. 37,771

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this RESPONSE TO ELECTION OF SPECIES is being facsimile transmitted to the U.S. Patent and Trademark Office this 20th day of October, 2005.



Mariann Tam